

**REMARKS**

The Non-Final Office Action mailed February 13, 2006, has been received and reviewed. As of the February 13, 2006 Office Action, Claims 1, 4, 5, 8 and 15 were pending and presently stand rejected, Claims 2, 3, 6, 7 and 9-14 were withdrawn from further consideration as being drawn to a non-elected species. Applicant has amended Claim 15. Applicant herein cancels Claims 2, 3, 6, 7 and 9-14 without prejudice and expressly reserves the right to prosecute those claims in a divisional or continuation patent application. As of this Amendment and Response, Claims 1, 4, 5, 8 and 15 are believed to be in condition for allowance and Applicant respectfully requests reconsideration of the application as amended herein.

**Double Patenting Rejection**

The Examiner has rejected Claims 1, 4-5 and 8 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1, 14-15 and 23 of U.S. Patent No. 6,414,973. Additionally, the Examiner has rejected Claim 15 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 23 of U.S. Patent No. 6,414,973 to Hwu et al. in view of U.S. Patent No. 5,046,803 to Colak.

Applicant hereby files a terminal disclaimer to overcome the nonstatutory double patenting rejection. Applicant is the owner of the U.S. Patent Nos. 6,414,973 and 6,650,665 by assignments. True copies of the assignments, which have not yet been recorded with the United States Patent and Trademark Office, are enclosed herewith.

### CONCLUSION

Claims 1, 4, 5, 8 and 15 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 50-0881.

Respectfully Submitted,



Paul C. Oestreich  
Registration Number 44,983  
Attorney for Applicant  
MORRISS O'BRYANT COMPAGNI, P.C.  
136 South Main Street, Suite 700  
Salt Lake City, Utah 84101  
(801) 478-0071 Telephone  
(801) 478-0071 Facsimile

PCO/st

Enclosures: Terminal Disclaimer  
Assignment of U.S. Patent No. 6,414,973  
Assignment of U.S. Patent No. 6,650,665